

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PACIFIC SOUND RESOURCES, a
Washington non-profit corporation; and THE
PORT OF SEATTLE, a Washington
municipal corporation,

Plaintiffs,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY, a
Delaware corporation; J.H. BAXTER & CO.,
a California limited partnership; J.H.
BAXTER & CO., a California corporation;
and J.H. BAXTER & CO., INC., a California
corporation,

Defendants.

No. C04-1654L

AMENDED NOTICE OF APPEAL

On March 8, 2006 plaintiffs The Port of Seattle and Pacific Sound Resources filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit from the following three orders of the District Court: (1) the Court's order dated August 17, 2005 (District Court Docket Number 38) dismissing the Port of Seattle's claims; (2) the Court's order dated February 6, 2006 (Docket Number 59) dismissing Pacific Sound Resources' claims; and (3) the Court's Judgment dated February 15, 2006 (Docket Number 61). The notice of appeal was filed subject to the District Court's ruling on plaintiffs' Motion for Reconsideration dated February 21, 2006 (Docket Number 62) seeking remand of this removed action to state court.

NOTICE OF APPEAL - 1
Case No. C04-1654L

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1 On May 23, 2006 the Court entered an order denying plaintiffs' Motion for
2 Reconsideration (Docket Number 74). Pursuant to FRAP 4(a)(4), this amended notice adds the
3 Court's ruling on the Motion for Reconsideration to the three prior rulings described in the
4 original notice of appeal.

5 DATED this 1st day of June, 2006.

6 FOSTER PEPPER PLLC

7 /s/Gillis E. Reavis

8 Gillis E. Reavis, WSBA #21451

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NOTICE OF APPEAL - 2
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